

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1978

No. 78-1373

MID-CONTINENT SPRING COMPANY
OF KENTUCKY - - - - -

Petitioner

versus

JANE MITCHELL - - - - -

Respondent

MEMORANDUM OPPOSING CONDITIONAL CROSS-PETITION FOR CERTIORARI

JAMES C. HICKEY
EWEN, MacKENZIE & PEDEN, P.S.C.
2100 Commonwealth Building
Louisville, Kentucky 40202
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Counsel for Respondent, Jane Mitchell

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MID-CONTINENT SPRING COMPANY
OF KENTUCKY - - - - - *Petitioner*

v.

JANE MITCHELL - - - - - *Respondent*

**MEMORANDUM OPPOSING CONDITIONAL
CROSS-PETITION FOR CERTIORARI**

Respondent, Jane Mitchell, represents to the Court as follows:

1. The opinion and judgment of the United States Court of Appeals for the Sixth Circuit was entered in the above entitled cause on September 8, 1978, and a timely petition for rehearing was denied by that Court on November 9, 1978.

2. The Conditional Cross Petition of Mid-Continent Spring Company was filed on March 8, 1979, more than ninety days since the denial of the petition for rehearing by the Court of Appeals, and the period for applying for a Writ of Certiorari has not been extended by a Justice of this Court (U.S.C., Title 28, Sec. 2101(c) and Rule 22 of this Court).

THEREFORE, it appears that petitioner's application for a Conditional Writ of Certiorari is out of time and should be denied.

Respectfully submitted,

JAMES C. HICKEY
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Louisville, Kentucky 40202
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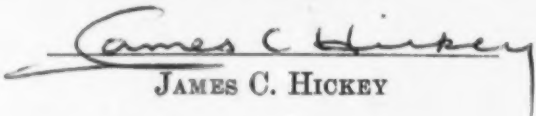
*Counsel for Respondent, Jane
Mitchell*

CERTIFICATE OF SERVICE

I hereby certify that all parties required to be served with this Memorandum Opposing the Conditional Cross-Petition for Writ of Certiorari have been served as follows:

I have served three copies of this Memorandum upon the petitioner by causing the same to be deposited in envelopes at the U.S. Post Office, Louisville, Kentucky, with air mail, first class postage pre-paid, addressed to Thomas M. Hanna, Esq., 1153 Pierre Laclede Building, Forsyth & Hanley, St. Louis, Missouri 63105, on ~~March 27~~, 1979.

April 2,


JAMES C. HICKEY

see

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